

1 John McIlhenny, Jr.  
2 Assistant Attorney General  
3 629 Woodland Sq. Loop SE  
4 Olympia, WA 98504  
5 (360) 459-6600

6  
7 **UNITED STATES DISTRICT COURT**  
8 **EASTERN DISTRICT OF WASHINGTON**

9 MARIA DE LA O; et al.,

10 Plaintiffs,

11 v.

12 RONALD ARNOLD-WILLIAMS,

13 Secretary, et al.,

14 Defendants.

NO. CV-04-0192-EFS

STIPULATED  
PROTECTIVE ORDER

15 MARIA FERNANDEZ et al.,

16 Plaintiffs,

17 v.

18 DEPARTMENT OF SOCIAL AND  
19 HEALTH SERVICES; et al.,

20 Defendants.

[NO. CV-05-0280-EFS]

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22  
STIPULATED PROTECTIVE ORDER

1 COME NOW the parties, by and through D. Ty Duhamel, Attorney for  
 2 Plaintiffs Maria Fernandez, Maria Soledad Chavez, Bertha Mendoza, as  
 3 individuals and on behalf of all other similarly situated persons, and, Priscila  
 4 Erazo, Silvia Gonzales, Olga Mercado, Carmela Ramirez, Rosalinda Ramirez,  
 5 and Rosa Maria Reyez, as individuals; Katrin E. Frank, Attorney for Plaintiffs  
 6 Maria De La O, Silvia Farias, Barbara Bravo, Adelina Ramirez, Celia Caro,  
 7 Mayola Madrigal, Rosa Guerrero, Irene Negrete, Irma Contreras, Alejandra Perez,  
 8 Elizabeth Ramirez, Maria De Favela, Maria Del Carmen Hernandez, Margarita  
 9 Mata, Alicia Medrano, Veronica Nevarez, Maria Puentes, Alicia Rodriguez,  
 10 Maria Ruiz, Guadalupe Salas, and Juana Sanchez; Rob McKenna, Attorney  
 11 General, and John K. McIlhenny, Jr., Assistant Attorney General, attorneys for  
 12 Defendants Department of Social and Health Services, Robin Arnold Williams,  
 13 Kenneth Harden, John Bumford, Robin Clawson, Michael Coyne, James Ditzel,  
 14 Israel Vargas, Dick Hoezee, Kris Boness and Don Smith; and Jennifer Homer,  
 15 Attorney for Defendants Randall Blackburn, Steve Jensen, Grant County,  
 16 Washington and the Town of Mattawa, Washington and hereby stipulate and  
 17 agree to the entry of this Protective Order pursuant to Fed. R. Civ. P. 26(c) and  
 18 FRE 501. The parties agree that the Department of Social and Health Services  
 19 records and files and information therein are confidential and privileged. The  
 20 parties further agree that Local Rule 10.1(j) (Policy on Privacy and Public Access  
 21 to Electronic Case Files) fully applies and supplements the items covered in this  
 22 protective order.

This protective order shall apply to the following documents, files, or any  
 parts thereof, provided by or received by any of the parties in this litigation:

1. Washington State Department of Social and Health Services (DSHS), Division of Child Care and Early Learning (DCCEL), Moses Lake Community Service Office (MLCSO), Office of Financial Recovery (OFR), Division of Fraud Investigation (DFI) and Children's Administration records relating to the above-named plaintiffs;

2. Personal, identifying information for current or former Washington State employees;

3. Personal, identifying information, including but not limited to, dates of birth, alien numbers, social security numbers, passports, and any information regarding the legal status of an individual Plaintiff, Plaintiffs' employees, parents' of children in Plaintiffs' care, relatives of Plaintiffs, and witnesses;

4. Handwritten and typed subpoena logs from Olympia and Spokane offices and search warrants.

IT IS HEREBY STIPULATED that the contents and/or existence of the aforementioned documents and files and any part thereof or therein shall not be disclosed in any manner or form to any person and/or entities other than the parties' attorneys, experts retained by the party's attorney(s), their staff, and individuals otherwise entitled to obtain said information pursuant to statutory exemptions from confidentiality and other individuals as herein provided.

IT IS FURTHER STIPULATED that the parties shall be allowed to use the aforementioned documents or information in depositions of plaintiffs, defendants, medical doctors, psychologists, nurses, counselors, health care providers, and other person named or identified in any of the aforementioned documents or in consulting with any expert witnesses in this case, subject to the conditions set forth in this Protective Order.



1 IT IS FURTHER STIPULATED that the files and records may be released  
2 to any mediator selected to mediate this matter; subject to the conditions set forth  
3 in this protective order.

4 IT IS FURTHER STIPULATED that prior to introducing as evidence, or  
5 as part of any filing with the court, any of the aforementioned information or  
6 documents a party must review the documents to determine whether information  
7 contained within the document may be subject to this Order. For any motion or  
8 filing requesting the use, or potential use, of a document covered under this Order,  
9 or any document attached as an exhibit, the parties shall file a redacted copy of the  
10 document with the court and a separate unredacted version under seal and  
11 indicating to the Clerk of the Court that the information is not public information  
12 and shall be maintained as confidential from the public.

13 IT IS FURTHER STIPULATED that counsel for the parties shall use all  
14 documents and information produced or disclosed pursuant to this Protective  
15 Order solely for the purpose of preparation for and trial of this action. Under no  
16 circumstances shall information or materials covered by this Order be disclosed to  
17 anyone other than as provided in this Order.

18 IT IS FURTHER STIPULATED that not later than thirty (30) days after  
19 the conclusion of the proceedings in this action, including any appeal, all  
20 documents and information subject to this order, including any copies or  
21 summaries thereof, or documents containing information taken therefrom, shall be  
22 returned to counsel for the party producing such documents or destroyed by the  
party having such documents. However, documents may be retained by a party  
for longer periods of time if required by regulations or rules governing the  
practice of law, malpractice insurance requirements, firm or program document

1 retention policies, or existing document retention or destruction policies imposed  
2 by statute or regulation. A copy of this Order shall accompany any copy of the  
3 discovery records or information protected by this Order and released to anyone.  
4 No attorney or expert shall disclose any information gained or derived from the  
5 aforementioned records to anyone without further order of the court unless the  
6 person to whom the information is disclosed is otherwise entitled to obtain said  
7 information pursuant to this Protective Order or to statutory exemptions from  
8 confidentiality.

9 IT IS FURTHER STIPULATED that in any part of a deposition or other  
10 hearing or proceeding in which information from the designated files and  
11 documents is to be discussed, any party asserting confidentiality may exclude  
12 from the room any person who is not entitled to be shown such information.

13 IT IS FURTHER STIPULATED that any court reporter or transcriber who  
14 reports or transcribes testimony in this action at a deposition, hearing or  
15 proceeding shall first agree that all testimony and information relating to the  
16 documents listed at page 3 of this order shall remain confidential and shall not be  
17 disclosed by such reporter or transcriber except to the attorneys for any party, any  
18 other person who is present while such testimony is being given, or the Court.  
19 The reporter or transcriber shall further agree that copies of any transcript,  
20 reporter's notes or any other transcription records regarding any documentation  
21 listed at page 3 of this order will be retained in absolute confidentiality and  
22 safekeeping by such reporter or will be delivered to the undersigned attorneys or  
filed with the court. Each such court reporter or transcriber will sign a copy of the  
Confidentiality Agreement.

1 IT IS FURTHER STIPULATED that nothing in this stipulation shall  
2 preclude any party from applying to the Court for additional or different  
3 protective provision, or to rescind protective provisions, in respect to specific  
4 documents or information or individuals if the need should arise during the  
5 litigation.

6 IT IS FURTHER STIPULATED that neither the taking nor the failure to  
7 take any action to enforce the provisions of this Protective Order, nor the failure  
8 to object to any such action or omission, shall constitute a waiver of any claim or  
9 defense in the trial of this action or any other action. The procedures set forth  
10 herein shall not affect the rights of the parties to object to discovery on grounds  
11 other than those related to confidentiality, or to move to compel discovery, nor  
12 shall it relieve a party of the necessity to respond properly to discovery requests.

13 IT IS FURTHER STIPULATED that this Protective Order shall not  
14 abrogate or diminish any contractual, statutory or other legal obligation or right of  
15 any party or person with respect to any records, files or documentation listed at  
16 page 3 of this order. Neither the entry of this order nor the designation of any  
17 information as protected under this Protective Order shall be admissible evidence  
18 during the pendency of this action. The fact that information is disclosed, used or  
19 produced in discovery or trial herein shall not be construed, offered or admitted in  
20 any action or proceeding before any court, agency, or tribunal as evidence of or  
21 concerning whether or not such information is confidential or proprietary.

22 IT IS FURTHER STIPULATED that this Protective Order shall remain in  
full force and effect until such time as this Court modifies its terms or releases the  
parties from its provisions.




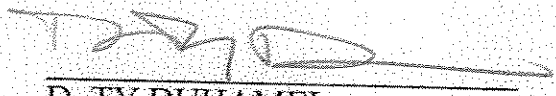
December

DATED this 6th day of ~~April~~, 2006.

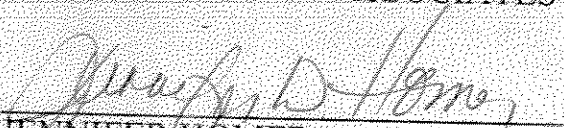
ROB MCKENNA  
Attorney General

COLUMBIA LEGAL SERVICES

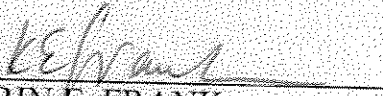
  
JOHN K. McILHENNY, JR.,  
WSBA #32195  
Assistant Attorney General  
Attorneys for State Defendants

  
D. TY DUHAMEL,  
WSBA #10848  
Attorneys for Fernandez Plaintiffs

JERRY MOBURG & ASSOCIATES

  
JENNIFER HOMER,  
WSBA # 34070  
Attorney for County Defendants

MACDONALD, HOAGUE & BAYLESS

  
KATRINE E. FRANK,  
WSBA # 14786  
Attorney for De La O Plaintiffs

**ORDER**

Pursuant to the foregoing Stipulation between parties, it is hereby  
ORDERED that the foregoing Stipulated Protective Order is entered and in  
full force and effect until such time as this Court modifies its terms or releases the  
parties from its provisions.


DONE IN OPEN COURT this 11th day of December, 2006.

s/ Edward F. Shea

JUDGE EDWARD F. SHEA

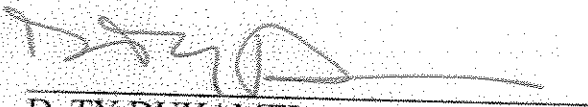
Presented by:

ROB MCKENNA  
Attorney General

  
JOHN K. McILHENNY, JR.,  
WSBA #32195  
Assistant Attorney General  
Attorneys for State Defendants

Approved as to form/Notice  
Of Presentation Waived:

COLUMBIA LEGAL SERVICES

  
D. TY DUHAMEL,  
WSBA #10848  
Attorneys for Fernandez Plaintiffs



1 JERRY MOBURG & ASSOCIATES

2 

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Attorney for County Defendants

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7 

8 KATRIN E. FRANK,  
9 WSBA # 14786  
Attorney for De La O Plaintiffs

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